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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,922	10/16/2003	Jurgen Haas	60,126-235	7515

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,922

Applicant(s)

HAAS ET AL.

Examiner

Laura E. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3, 6, and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

Information Disclosure Statement

The information disclosure statement filed 2/4/04 has been considered with respect to the US patents. However, no electronic copies could be found of JP Pub 59092053A and "Standard for purged and Pressurized Enclosures for Electrical Equipment in Hazardous (Classified) Locations (NFPA 496-1982)" and therefore, these references have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4, 5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al (US 5,949,209).

Okamoto et al teach a robotic paint applicator and method of protecting the paint robot, the applicator located in an enclosed paint spray booth having a potentially combustible atmosphere, the applicator comprising a housing enclosure (see col. 3, lines 15-20) containing an explosion proof electric motor (861-864) and robot arm (22) mounted on the housing enclosure driven by the explosion proof electric motor having a paint applicator (not shown; see col. 4, lines 12-16) on a distal end thereof, the explosion proof electric motor including a motor housing (102-104) having a gas inlet and gas outlet spaced from the inlet, and a source of non-combustible gas (see col. 4, lines 60-65) under pressure connected to the gas inlet of the motor housing, circulating non-combustible gas through the motor housing and the gas outlet into the housing enclosure, pressurizing the housing enclosure with non-combustible gas and preventing the potentially combustible atmosphere from entering the housing enclosure.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (US 6,328,799).

Inoue et al teach a robotic paint applicator for use in a conventional paint coating apparatus, the applicator comprising a housing enclosure (12, 13) containing an explosion proof electric motor (12m-15m) and robot arm (14) mounted on the housing enclosure driven by the explosion proof electric motor having a paint applicator (21) on a distal end thereof, the explosion proof electric motor including a motor housing (16a-16c) having a gas inlet and gas outlet spaced from the inlet (see col. 3, lines 50-59), and a source of non-combustible gas (not shown) under pressure connected to the gas inlet of the motor housing, circulating non-combustible gas through the motor housing and the gas outlet into the housing enclosure,

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pressurizing the housing enclosure with non-combustible gas and preventing the potentially combustible atmosphere from entering the housing enclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al (US 5,949,209).

The teachings of Okamoto et al have been mentioned above and while Okamoto et al recognize pressurizing the housings about the electric motors above atmosphere pressure, Okamoto et al are silent concerning the exact pressure range to which non-combustible gas is supplied to the motor housings. However, it would have been obvious to one of ordinary skill in the art to determine the appropriate pressure range to which to supply the non-combustible gas to the motor housings so as to inhibit explosion from resulting.

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Allowable Subject Matter

Claims 3, 6, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-10 would be allowable.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect to explosion proof electrical motor systems: Ochiai et al (US 6,641,667), Stone et al (US 5,440,916), and Nishizawa et al (US 4,698,568).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura E. Edwards
Primary Examiner
Art Unit 1734

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June 9, 2004